



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

5720
Ser BPMOW.hmw/029
January 29, 2020

Ms. Sara M. Peters
Walkup, Melodia, Kelly & Schoenberger
650 California Street
26th Floor
San Francisco, CA 94108

Dear Ms. Peters:

This correspondence is in regard to your Freedom of Information Act (FOIA) request of February 28, 2019, in which you seek the following:

1. *Any writings (including by not limited to raw data, test reports, and communications, emails and letters) reflecting the results of dosimetry monitoring for workers at Hunters Point Naval Shipyard at any time from 1996 to the present.*
2. *Any writings (including but not limited to raw data, test reports, and communications, emails, and letters) reflecting sampling data for perimeter samplers located inside any of the radiation screening yards at Hunters Point Naval Shipyard (including in particular the radiation screening yard closest in proximity to Building 606), at any time from 2002 to the present.*
3. *Any writings (including by not limited to raw data, test reports, and communications, emails and letters) reflecting air sampling data collected at Hunters Point Naval Shipyard (including in particular collections near Building 606) at any time from 1996 to the present.*
4. *The HPA Baseline Environmental Report by Tetra Tech (1994).*
5. *Any reports submitted by Tetra Tech to the Navy regarding Hunters Point Annex (aka Hunters Point Naval Shipyard) at any time.*
6. *Any reports submitted by New World Environmental ("NWE") regarding Hunters Point Annex (aka Hunters Point Naval Shipyard) at any time.*
7. *Any and all reports or communications on which you based your Finding of Suitability to Lease (FOSL) to lease Building 606 to the City of San Francisco.*

Your request was initially assigned to Naval Sea Systems Command and assigned file number DON-NAVY-2019-004271. By letter dated November 14, 2019, you were notified that your FOIA request had been reassigned to BRAC PMO. By this letter, we are (1) providing an interim response to Items 1, 4, and 6 of your FOIA request; (2) notifying you that Items 2, 3 and 5 are unclear and therefore cannot be responded to without clarification; and (3) notifying you that Items 2, 3, 5, and 7 appear duplicative of other FOIA requests submitted by your law firm and currently being processed by BRAC PMO, and requesting information on whether you wish to continue pursuing these portions of your request.

With regard to Item 1 of your request, this office has located no responsive records.

With regard to Item 4 of your request, a search of our system of records did not locate any record with a title the same as or similar to “HPA Baseline Environmental Report by Tetra Tech.”

With regard to Item 6 of your request, we have identified one responsive record, “Final Work Plan for Soil Removal and Packaging, Radiological Time Critical Removal Action, Revision 4, New World Environmental, 2001.” This record is being reviewed for information that may be exempt from disclosure under the FOIA, and will be released to you when processing is complete. Certain portions of this record may be exempt from disclosure pursuant to the following exemptions to FOIA:

- FOIA Exemption 4 [5 U.S.C § 552(b)(4)] which exempts from disclosure trade secrets and commercial or financial information obtained from a person that is privileged or confidential;
- FOIA Exemption 6 [5 U.S.C. § 552(b)(6)] which exempts from disclosure personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

With regard to Items 2, 3 and 5 of your request, FOIA requires that the records sought be described with sufficient detail such that an agency employee familiar with the subject area of the request could locate the records with a reasonable amount of effort. These portions of your request do not adequately describe the records you are requesting, and therefore we are unable to process them at this time. We need additional information on the specific sampling locations in lieu of a request for samples taken “in proximity to” or “near” a particular location which are too vague to provide a meaningful response. We also require additional information on the particular chemicals you are seeking sampling results for, and what type of air sampling results you are requesting. In addition, a request for “any writings” is an overly broad request and “all reports submitted by Tetra Tech . . . at any time” is so broad and lacks specificity regarding the time frame, report type, and specific corporate entity. We are unable to proceed with processing Items 2, 3, and 5 until you provide additional clarification.

In addition, Items 2, 3 and 5 appear to be duplicative of the records requested in DON-NAVY-2019-006409 and DON-NAVY-2019-005123; both submitted by Ms. Jade Smith-Williams on March 22, 2019 and assigned to BRAC PMO for processing. Ms. Meredith Richards of our office has corresponded with both you and Ms. Smith-Williams regarding the scope of these previously filed FIOA requests. Please clarify if you seek additional information in this FOIA request that is not already included in the previously filed requests.

Finally, Item 7 is partially duplicative regarding records requested in DON-NAVY-2019-005120, also submitted by Ms. Jade Smith-Williams on March 22, 2019 and assigned to BRAC PMO for processing. After discussion between you, Ms. Smith-Williams, and Ms. Richards, this previously filed request was narrowed to exclude documents related to the Finding of Suitability to Lease Building 606 to the City of San Francisco. BRAC PMO has released 37 documents in response to DON-NAVY-2019-005120. Please clarify if you are seeking additional information

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in this FOIA request that was not included in DON-NAVY-2019-005120. If you wish to pursue this portion of your request, please contact Ms. Richards at (619) 524-1637 or at meredith.richards@navy.mil.

Please be advised that fees associated with the processing of your request will not be charged in this instance.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

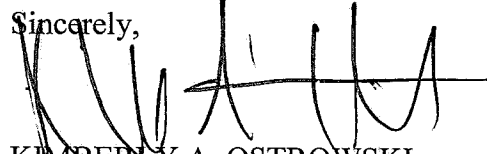
The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or 703-697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please direct any questions concerning this matter to Ms. Meredith Richards, who may be contacted at meredith.richards@navy.mil or (619) 524-1637.

Sincerely,



KIMBERLY A. OSTROWSKI
Director